

# Surveillance Ordinance: Facial Recognition Technology Ban - REIA (Standard)

Home > RCA > Racial Equity Impact Analysis

Section 1: Background

Does this impact one of the City's Goal Areas

Policy Goals

Operational Goals

Public Safety	Yes
Housing	No
Economic Development	No
Public Services	Yes
Environmental Justice	No
Built Environment & Transportation	Yes
Public Health	Yes
Arts & Culture	No

Workforce	No
Spending	No
Data	Yes
Community Engagement	No

Describe the impact on selected goal areas.

This ordinance prohibits the procurement of facial recognition technology by City Departments and the use of data obtained from facial recognition technology by City staff, with narrow exceptions. In so doing, the ordinance prevents harm to BIPOC communities -- who are disproportionately misidentified by facial recognition technology -- by preventing the capture or use of erroneous data, particularly in policing or criminal justice.

Numerous studies have shown facial recognition technology to be significantly less accurate in identifying people of color, women, and younger people. It has the potential to increase surveillance of communities of color and further harm already disadvantaged communities through incorrect identifications. This would further disproportionately harm communities that historically have faced elevated levels of policing and harassment.

Facial recognition technology also raises unique concerns about intrusiveness, transparency, and public trust in government. The City's use of facial recognition technology to surveil public places would be uniquely intrusive to all who live in, work in, or visit the City, and would harm the public trust in City government. Use of facial recognition technology to surveil public places has the potential to chill the exercise of free speech in those public places.

This ordinance builds upon the City's adopted Data Privacy Principles to consider and value the privacy of individuals any time data is collected on individuals. These principles include collecting information on individuals only when there is a reason to do so and being transparent about what data is being collected and why. Facial recognition technology has the potential to undermine and conflict with these City values by increasing the amount of data collected about individuals, the likelihood that data will be collected without transparency, and the likelihood that data will be used erroneously.

### **Who participated in completing this analysis?**

Council Member Steve Fletcher, David Zaffrann, and Christian Rummelhoff

## **Section 2: Data**

---

### **LIST THE SPECIFIC GEOGRAPHIES THAT WILL BE IMPACTED AND THE RACIAL DEMOGRAPHICS OF CONSTITUENTS IN THOSE AREAS:**

This ordinance will have a citywide impact. Of Minneapolis' approximately 430,000 residents:

- about 36% identify as BIPOC (Black, Indigenous, person of color)
- about 64% identify as white
- about 16% were born in a different country
- about 22% speak a language other than English

**What does available data tell you about how constituents from BIPOC communities currently relate to the desired outcome as compared to white constituents?**

Numerous studies have shown facial recognition technology to be significantly less accurate in identifying people of color, women, and younger people. A landmark study of facial analysis software in 2018 found a 34.7 percent error rate for dark-skinned women compared to an error rate of 0.8 percent for light-skinned men. This technology has the potential to increase surveillance of communities of color and further harm already disadvantaged communities through incorrect identifications, which would further disproportionately harm communities that historically have faced elevated levels of policing and harassment.

**What data is unavailable or missing? How can you obtain additional data?**

There is significant available data on the accuracy of this technology at large. It is not in use by the City of Minneapolis government. In December, the Star Tribune reported that, according to Hennepin County records, the Minneapolis Police Department had used the County's facial recognition software 237 times between October 1, 2015, and September 28, 2020.

### Section 3: Community Engagement

---

**Using the International Association of Public Participation (IAP2) Public Participation Spectrum, which participation strategy(s) was used when engaging those who would be most impacted?**

Inform	No
Consult	No
Involve	No
Collaborate	Yes
Empower	No

### **Describe the Engagement and what have you learned?**

Council Member Fletcher has engaged stakeholders on the broad topic of data privacy over multiple years. The Police Conduct Oversight Commission published a Surveillance Whitepaper in March of 2019, and reviewed this draft ordinance in January of 2021. Council Member Fletcher has held at least three public engagement events that directly impacted the introduction, development, and revision of this ordinance, plus several meetings with advocates, other stakeholders, and interested individuals. Since introducing this subject matter, the proposed ban has also received ample media coverage to drive awareness and public comment. A 2019 event focused on the development of Data Privacy Principles, which had participation from affected departments including the City Clerk's office and the Police Department, featured significant discussion of this topic and the key concerns about this technology. Early in 2020, advocates at the intersection of technology, data, and civil liberties proposed the development of stronger City regulation, transparency, and accountability regarding police surveillance and the procurement and use of military equipment. Through engagement with that group of stakeholders, Council Member Fletcher decided to prioritize the development of this ordinance on facial recognition technology before returning to the broader subject of all surveillance technology. Further collaboration led to refinements in this ordinance, including the addition of a 30-day period for the City to correct alleged violations prior to legal enforcement action.

### **Section 4: Analysis**

**How does the outcome for this ordinance, amendment, or policy help the city achieve Racial Equity?**

This ordinance prohibits the procurement of facial recognition technology by City Departments and the use of data obtained from facial recognition technology by City staff, with narrow exceptions. In so doing, the ordinance prevents harm to BIPOC communities -- who are disproportionately misidentified by facial recognition technology -- by preventing the capture or use of erroneous data, particularly in policing or criminal justice.

Numerous studies have shown facial recognition technology to be significantly less accurate in identifying people of color, women, and younger people. It has the potential to increase surveillance of communities of color and further harm already disadvantaged communities through incorrect identifications. This would further disproportionately harm communities that historically have faced elevated levels of policing and harassment.

## Section 5: Evaluation

---

### **How will impacts be measured? What are the success indicators and process benchmarks?**

The ordinance includes a clear process for City departments to seek permitted uses of facial recognition technology through an exceptions process, and requires an annual summary report on its use through those exceptions. It also requires an annual report on violations of the ordinance and actions taken to remedy those violations. In addition, staff and policy-makers can track trendlines in disparities in this technology, and benchmark Minneapolis against peer cities where this technology is being used.

### **How will those who are impacted be informed of progress over time?**

The reports required by this ordinance and the process for allowing exceptions to it will provide public transparency and opportunities for public comment.